

Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been a Texas corporation doing business in the State of Texas and the City of Laredo, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Vanessa Castañeda filed a charge with the Commission alleging violations of Title VII by Defendant.

7. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. On or about July 18, 2011, Defendant engaged in unlawful employment practices at its Laredo, Texas, facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) as amended by Section 701(k), 42 U.S.C. § 2000e(k) by discharging Vanessa Castañeda because of her pregnancy and/or a medical condition related to her pregnancy.

9. The effect of the practices complained of in paragraph eight (8) above has been to deprive Vanessa Castañeda of equal employment opportunities and to otherwise adversely affect her status as an employee because of her sex due to her pregnancy and/or medical condition

related to her pregnancy.

10. The unlawful employment practices complained of in paragraph eight (8) above were intentional.

11. The unlawful employment practices complained of in paragraph eight (8) above were done with malice or with reckless indifference to the federally protected rights of Vanessa Castañeda.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from engaging in pregnancy-based discriminatory employment practices, or any other employment practice which discriminates on the basis of sex;

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make whole Vanessa Castañeda, by providing appropriate back pay with prejudgment interest, in an amount to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, the reinstatement of Vanessa Castañeda, or front pay in lieu thereof;

D. Order Defendant to make whole Vanessa Castañeda, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph eight (8) above, including, but not limited to, relocation expenses, job search expenses, and medical expenses, in an amount to be determined at trial;

E. Order Defendant to make whole Vanessa Castañeda, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraph eight (8) above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in an amount to be determined at trial;

F. Order Defendant to pay Vanessa Castañeda punitive damages for engaging in discriminatory practices with malice or reckless indifference to Ms. Castañeda's federally protected rights, as described in paragraph eight (8) above, in an amount to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper in the public interest; and

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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